

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

BETTY M. HARPER,)	
on behalf of M.M.T., a minor,)	
)	Civil Action
Plaintiff)	No. 10-cv-2928
)	
vs.)	
)	
MICHAEL J. ASTRUE,)	
Commissioner of)	
Social Security,)	
)	
Defendant)	

O R D E R

NOW, this 23rd day of June, 2011, upon consideration of the following documents:

- (1) Plaintiffs' Brief and Statement of Issues in Support of Request for Review filed October 21, 2010;
- (2) Defendant's Response to Request for Review of Plaintiff, which response was filed December 23, 2010;
- (3) Plaintiffs' Reply to Defendant's Response to Plaintiffs' Request for Review, which reply was filed January 3, 2011; and
- (4) Report and Recommendation of United States Magistrate Judge Thomas J. Rueter filed May 9, 2011;

upon consideration of plaintiff's Complaint, defendant's Answer and after a thorough review of the record in this matter; it appearing that neither party filed objections to Magistrate Judge Rueter's Report and Recommendation; it further appearing that Magistrate Judge Rueter's Report and Recommendation correctly determined the legal and factual issues presented in this case,

IT IS ORDERED that Magistrate Judge Rueter's Report and Recommendation is approved and adopted.

IT IS FURTHER ORDERED that plaintiff's Request for Review is granted.

IT IS FURTHER ORDERED that judgment is entered in favor of plaintiff Betty M. Harper on behalf of M.M.T., a minor, and against defendant Michael J. Astrue, Commissioner of the Social Security Administration.

IT IS FURTHER ORDERED that the decision of the Commissioner dated June 13, 2008, which became final by Order of Appeals Council dated April 19, 2010 and which denied benefits to M.M.T., a minor, is reversed.

IT IS FURTHER ORDERED that pursuant to sentence four of 42 U.S.C. § 405(g), this matter is remanded to the Commissioner for further proceedings consistent with Magistrate Judge Rueter's Report and Recommendation.¹

¹ Specifically, among the further proceedings recommended by Magistrate Judge Rueter and approved in this Order which the Administrative Law Judge shall complete are the following:

- (1) Determine whether plaintiff suffered from insulin-dependent diabetes, with recent, recurrent episodes of hypoglycemia as required by Listing 109.08.
- (2) Determine what documentary evidence, if any, supports episodes of hypoglycemia.
- (3) Determine whether plaintiff followed prescribed therapy as required by the listing.

IT IS FURTHER ORDERED that the Clerk of Court shall
mark this case closed for statistical purposes.

BY THE COURT:

/s/ James Knoll Gardner
James Knoll Gardner
United States District Judge